

DEC 17 2004

TIE-003PA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Martin Wildeman.

Serial Number: 10/015,481

Filed: December 13, 2001

For: **Fluid Containment Textile Structure**

Group Art Unit: 3761

Examiner: Anderson, Catharine L.

RESPONSE TO RESTRICTION

Mail Stop Amendment
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 2231-1450

In response to the restriction requirement mailed on December 1, 2004, Applicant hereby elects with traverse to prosecute the invention of Group I as set forth in claims 1-22.

At this time Applicant respectfully requests that the Examiner reconsider the restriction requirement on the grounds that each of the claims in the non-elected group specifically requires that the product be manufactured by a process as recited in the Group I claims. A noted at MPEP Section 806.05(f) restriction is proper only if the product *as claimed* can be made by another and materially different process. The words "as claimed" are specifically emphasized in the cited section.

In the instant case, each of the Group II claims specifically recites a claimed process from Group I as the process by which the product is made. As noted at MPEP Section

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806.05(f) defining a product in terms of a process by which it is made is a permissible technique that an applicant may use to define an invention.

Since the product *as claimed* in each of the claims in Group II is defined specifically in terms of a process from the Group I claim set, and since such a practice is recognized as permissible, Applicant respectfully requests that the Examiner reconsider the restriction requirement. In particular Applicant requests that the Examiner reconsider the position that the products *as claimed* can be made by a materially different process.

To any extent required, a petition for an extension of time is hereby made. Please charge any fees required for acceptance of this response to Deposit Account 50-1424

Respectfully submitted,

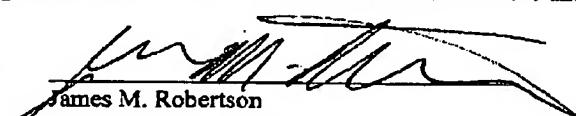
December 17, 2004



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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 703-872-9306 on December 17, 2004.



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